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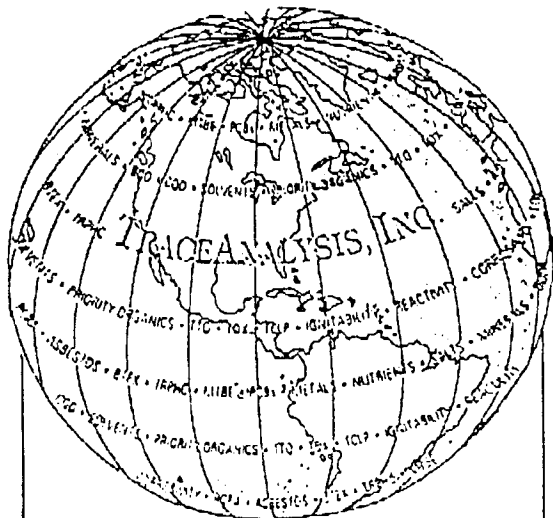
6701 Aberdeen Avenue, Suite H  
4725 Ripley Avenue, Suite A

Lubbock, Texas 79424  
El Paso, Texas 79927

800•378•1296  
888•588•3443  
E Mail: lab@traceanalysis.com

806•794•1296  
915•585•3443

FAX 806•794•1296  
FAX 915•585•4944



## FAX COVER SHEET

TO: Renata HesseCOMPANY: Dept. of JusticeDATE: 12-14-2001FAX NO: 202-416-9937  
202-307-1545NO OF PAGES FOLLOWING: 1FROM: Steve Rudzewski

MESSAGE:

Comments on Microsoft  
Antitrust Settlement

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TRACEANALYSIS, INC.

A Laboratory For Advanced  
Environmental Research and Analysis

Requiring that Microsoft donate software to schools does nothing to remedy their illegal business practices. What it does in fact, is allow Microsoft an unfair advantage in a market in where Apple is competing successfully. The proposed final judgement does nothing to address the fact that Microsoft is guilty of attempting to maintain its monopoly.

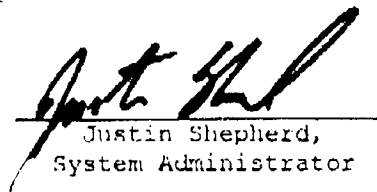
Microsoft has become a *de facto* standard through both legal and illegal means. Therefor, they bear the burden of ensuring interoperability with other systems. Microsoft's competitors consist of both businesses and communities of individuals. Companies like Apple, Sun, Netscape and Red Hat compete directly with Microsoft in the business arena. But, there is also the Open Source and free software communities which are not related directly to any given company. Open source projects like the Apache web server and Samba file server have been very successful in competing with Microsoft. The proposed remedy does nothing to ensure that these Open Source competitors will be able to compete in the future.

To ensure that both companies and open source communities are able to compete fairly with Microsoft, two measures must be taken. First off, Microsoft must not be allowed to pre-install and bundle its software onto new systems. The consumer should be allowed to choose what software they want on their system. Microsoft would still be able to offer volume pricing to vendors, but would not be allowed to attach restrictions on how the software is used by the vendor.

Secondly, to ensure that there is other software available, Microsoft should be compelled to release the documentation on their protocols, APIs and file formats. Doing so would allow other competitors, both companies and communities, to compete on a level playing field. This solution would not require Microsoft to open up its source code, but it would ensure interoperability with competitors products.



Steve Rudestal,  
Programmer /  
Administrator



Justin Shepherd,  
System Administrator